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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,610	07/11/2001	Takefumi Nagata	Q65279	3881

7590   04/18/2007

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EXAMINER
CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
2162	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	09/901,610	NAGATA ET AL.
	Examiner	Art Unit	
	Jean M. Corrielus	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the Request for reconsideration filed on January 31,

2007, in which claims 1-31 are presented for further examination.

Response to Arguments

2.   Applicant's arguments filed January 31, 2007 have been fully considered but they are not

persuasive. (See Examiner remark).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

4.   Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teshima US

Patent no. 6,272,470 in view of Sota et al (hereinafter "Sota") US Patent no. 5,911,687.

As to claims 1, Sota discloses a management group for managing the whole information

processes executed between a patient and a medical facility or between a plurality of medical

facilities is installed and centrally manages medical data of each patient (col.2, lines 64-col.3,

line 2). In particular, Sota discloses the claimed "client terminals installed in medical facilities

and an image database server, the client terminals having ability of transmission and reception of

sets of medical image data together with accompanying information regarding the sets of

medical image data via a networks" as a plurality of patient terminal connected to a wide area

network and at least one management server including an electronic case record (database) to

store at least clinic information for patients and a doctor database to store doctors information

which is connected to the database server (management server) to upload and download patient

information (col.2, lines 14-25), wherein the doctor can access to the database server

(management server) to upload and download the medical information or medical image about

the patient (col.10, lines 18-22) "the image database server having functions of receiving the

sets of medical image data and accompanying information regarding thereto, both of which are

transmitting from the client terminals via the network, storing therein the received sets of

medical image data and the accompanying information that have been received searching for a

desired one of the sets of medical image data stored therein by using the accompanying

information, and transmitting the set of medical image data" as a management server in which

allows the client computer (doctor computer system) to upload and download patient

information, wherein the image data of the patient is transferred to the database server

(management server) (col.13, lines 45-53; col.14, lines 1-5); and "wherein, when a desired search

condition is inputted from any one of the client terminal and is transmitting to the image database

server, the image database server searches for the accompanying information using the desired

search condition received by the image database server, if the accompanying information is

successfully found, then retrieves the medical image data regarding the accompanying

information, and transmits the retrieved medical image data to the relevant client terminal"

before conducting an examination scheduled by the patient, the client computer (doctor computer

system sets of medical image data together with accompanying information regarding the sets of

medical images data via a network" (patient terminal (101) has a functional capability of

receiving and transmitting information over the network (100) , wherein the patent terminal

requests from the management server medical information and data image regard, when an

examination is completed and uploaded into the management server (col.14, lines 25-45); "when

a desired search condition is inputted from any one of the client terminal and is transmitted to the

image database server, the image database server searches for the accompanying information

using the desired search condition; and retrieves the medical image if the accompanying

information is successfully found (col.8, lines 49-53; col.10, lines 39-42; col.12, lines 38-43).

Sato *does not explicitly show* the accompanied information includes at least one of

facility information and input modality.

Teshima, on the other hand, however, discloses a analogous system of a centralized

medical image management system, wherein the information acquired by a diagnostic medical

imaging modality in which produced examination related images are stored and inputted so that

produced medical images can be referenced directly in relation to the consultation records (col.4,

lines 48-52). Therefore, it would have been obvious to one of ordinary skill in the art of data

processing, at the time the present invention was made to combine the teachings of the cited

references, wherein the doctor database (client database) (item 604 of Fig.6) would incorporate

the use of the accompanied information includes at least one of facility information and input

modality. One having ordinary skill in the art would have found it motivated to store and

transmit a set of medical image together with accompanying information regarding the set of

medical image for the purpose of preventing an incident such as leakage of personal information.

As to claim 2, Sato discloses the claimed "the image database server comparing password input from any one of the Client terminals with a password stored in advance, searching for the set of medical image data corresponding to the accompanying information input as the search condition from the client terminal if the passwords match up and transmitting the set of medical data to the client terminal" (it well known in the distributed network environment to have compared an input password with the authorization user profile stored in the server for the purpose preventing the database server from access from unauthorized user, wherein such user authorization profile is stored alone with the privilege access in the database server, see col.14, lines 25-30).

As to claim 3, Teshima discloses the claimed wherein the accompanying information includes at least a patient specification information "(col.3, 58-67; col.4, lines 45-65)

As to claims 4-6, Teshima discloses the claimed wherein the accompanying information includes a combination of facility information and patient specification information (col.3, 58-67; col.4, lines 45-65; col.6, lines 60-66).

As to claims 7-10, Teshima discloses the claimed wherein the patient specification information is encrypted by the medical facilities" patient medical image data information is encrypted in a patient card (col.5, lines 21-34).

As to claim 11, Teshima discloses the claimed "the image database server having function of

receiving the sets of medical image data and the accompanying information transmitted from the

client terminals via the public communications network as a means for transferring data in

As to claim 12, Sato discloses the claimed the image database server comparing password input

from any one of the Client terminals with a password stored in advance, searching for the set of

medical image data corresponding to the accompanying information input as the search condition

from the client terminal if the passwords match up" " as a means of providing doctors with

access privilege to access the database server (management server) (col.14, lines 25-30).

As to claim 13, Sato discloses the claimed "data transmitting the sets of the medical

image data to the image database server via the public communication network" col.13, lines 25-

65; col.14, lines 10-45; col.15, lines 20-55); "a search condition transmission means for

transmitting the search condition using the image data stored in the image database

server"col.13, lines 25-65; col.14, lines 10-45; col.15, lines 20-55); and "Image data reception

means for receiving the set of the medical image data corresponding to the search condition"

(col.8, lines 48-56; col.13, lines 25-65; col.14, lines 10-45; col.15, lines 20-55).

Sato, however, discloses that the examination result of the patient is stored in the

examination result file of the patient, wherein the doctor can download patient information from

the database server.

Teshima, on the other hand, discloses a system that stored the patient image information

in patient card, wherein a link information is produced with the image data upon writing the data

image information in the database server, wherein the data image information can be access

externally using the link information. Such image data information is associated with the patient

in the patient card (col.3, 58-67; col.4, lines 45-65).

Therefore, it would have been obvious to one of ordinary skill in the art of data

processing, at the time the present invention was made to combine the teachings of the cited

references, wherein the doctor database (client database) (item 604 of Fig.6) would incorporate

the use of accompanying information with a set of medical image data. One having ordinary skill

in the art would have found it motivated to store and transmit a set of medical image together

with accompanying information regarding the set of medical image for the purpose of preventing

an incident such as leakage of personal information.

As to claim 14, Sato discloses the claimed "transmitting password to the image database server"

as a means of providing doctors with access privilege to access the database server (management

server) (col.14, lines 25-30).

As to claim 15, the limitations of claim 15 have been noted in the rejection of claim 1

above. It is, therefore, rejected under the same rationale.

As to claim 16: the limitations of claim 16 have been noted in the rejection of claim 1 above. It

is, therefore, rejected under the same rationale.

As to claim 17, Teshima discloses the claimed "a photographed body information" (col.16, lines

2-8); and "a photographed method information" (col.16, lines 2-8).

As to claim 18, Teshima discloses the claimed "a radiography apparatus" (col.4, lines 45-50); "a

CT apparatus" (col.4, lines 45-50); and "an MR apparatus" (col.4, lines 45-50).

As to claim 19, Sato discloses the claimed "wherein a user input a password onto an input device

on said client terminal, wherein said client terminal transmits said password to said image

database server" as a means of providing doctors with access privilege to access the database

server (management server) (col.14, lines 25-30).

As to claim 20, Teshima discloses the claimed "wherein said password comprises an account

password which is used in order to pay a predetermined charge for storing and searching of the

image data" as a means of providing doctors with access privilege to access the database server

(management server) (col.14, lines 25-30).

As to claim 21, Teshima discloses the claimed "wherein said accompanying information is

directly attached to said image data" (col.8, lines 48-col.9, line 38). Teshima discloses a system

that stored the patient image information in patient card, wherein a link information is produced

with the image data upon writing the data image information in the database server, wherein the

data image information can be access externally using the link information. Such image data

information is associated with the patient in the patient card (col.3, 58-67; col.4, lines 45-65).

As to claims 22-24, Teshima discloses the claimed "wherein the accompanying information includes a patient specification information, and at least a facility information" (col.8, lines 48-col.9, line 38). Teshima discloses a system that stored the patient image information in patient card, wherein a link information is produced with the image data upon writing the data image information in the database server, wherein the data image information can be access externally using the link information. Such image data information is associated with the patient in the patient card (col.3, 58-67; col.4, lines 45-65).

As to claims 25-26, Sato discloses the claimed wherein after a signal of a data search processing selection is transmitted from the client terminal to the image database server, the image database server transmits a password input screen to the client terminal and displays the screen on the client terminal" as a means of providing doctors with access privilege to access the database server (management server) (col.14, lines 25-30); "wherein a user enters parameters into a search field in order to obtain at least a facility information" before conducting an examination scheduled by the patient, the client computer (doctor computer system) requests from the database server (management server) the medical information and data image regard a patient, when the examination is completed the client computer (doctor compute system) upload the medical information of the patient into the server database (management server) for later use (col.14, lines 25-45).

As to claim 27, Sato discloses the claimed "said medical image data comprises a photographed

medical image (see items 1402 and 1403; col.10, lines 4-5).

Remark

5.   Applicant asserted that neither Teshima nor Sato disclose the accompanying information includes at least one of facility information and input modality. The examiner disagrees with the precedent assertion. However, when read and analyzed in light of the specification, the invention as claimed does not support Applicants' assertions. Moreover, the claims do not capture the essence of the invention as argued in applicants' remark. The aforementioned assertions, wherein fails to disclose by Teshima and Sato, was unsupported by objective factual evidence and was not found to be substantial evidentiary value. It is important to note that limitation that applicants are relied upon is supported by the specification to enable one having ordinary skill in the art to make and use the invention. Teshima, however, discloses a analogous system of a centralized medical image management system, wherein the information acquired by a diagnostic medical imaging modality in which produced examination related images are stored and inputted so that produced medical images can be referenced directly in relation to the consultation records (col.4, lines 48-52). Applicants are reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The Applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541, 550-51 (CCPA 1969). Applicant should duly note that *having an ability of transmission and reception and having function of receiving a set of medical image* does not mean that client computer and the database server would actually perform or carry out the acts. This is just an assumption but the actual function performs by the client computer and the database server.

6.   Applicant asserted that Sato does not discloses the user inputting a password onto an input device, let alone a client terminal transmitting the password to the image database server. The examiner disagrees with the precedent assertion. Sato, however, discloses a distributed network environment, which as the functionality of allowing client computer to input the user Id and the password associated with that Id, so the client network interface would transmit the password information to the central server, in the turn the central server would compare the inputted password information with the user profile before grant access to the system in order to prevent unauthorized user being accessed the server database. Upon, when the user logged into the system, one can determine what type of access right such user has in order to grant access to the database server. Therefore, it is inherent that a logging session would have provided to user who access the database server.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.
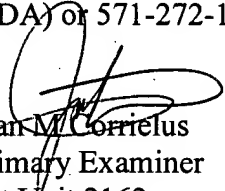
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jean M. Corrielus
Primary Examiner
Art Unit 2162

April 16, 2007